

REMARKS

Claims 1-57 are pending in this application. Claims 1-33, 37 and 39-57 are withdrawn for being drawn to non-elected inventions. Claims 34-36 and 38 stand rejected. Applicants have canceled claim 35 without prejudice. Claim 34 has been amended, without prejudice, to relate to the subject matter that applicants intend to pursue in this application and to more clearly point out and distinctly claim the subject matter. Support for the amendment to claim 34 is found throughout the specification, e.g., at original claim 35. Applicants expressly reserve the right to pursue the canceled subject matter in subsequent applications that claim the benefit of this application. Applicants have added claims 58-60. Support for these claims is found throughout the specification, e.g., at original claim 35. No new matter is introduced by the amendments.

Applicants submit that these amendments place the claims in condition for allowance, or at least present the rejected claims in better form for consideration on appeal and should therefore be entered after the final rejection. 37 C.F.R. § 1.116(a).

Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 34, 36 and 38 stand rejected for lack of enablement. The Examiner acknowledges that the specification is enabling for a method of inducing anergic T helper cells by overexpressing in APC mRNA that encodes at least one monocyte inhibitory receptor (MIR), where the MIR is ILT2 (MIR7), ILT3, or ILT4 (MIR-10). However, the Examiner

alleges that the specification does not enable this method using any MIR. Claim 35 is objected to as being dependent on rejected base claim 34.

In response, applicants respectfully disagree with the Examiner. However, solely to expedite prosecution, applicants have amended claim 34, without prejudice, to recite that the MIR is ILT2 (MIR7), ILT3, ILT4 (MIR-10) or a combination thereof, *i.e.*, amended claim 34 incorporates the subject matter of claim 35. Thus, applicants have canceled claim 35. Applicants expressly reserve the right to pursue the canceled subject matter in subsequent applications that claim the benefit of this application. Rejected claims 36 and 38 depend from amended claim 34. New claims 58-60 also depend from claim 34. Applicants request that the Examiner reconsider and withdraw this ground of rejection.

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CONCLUSION

Applicants respectfully submit that the claims as amended are in condition for allowance. To expedite prosecution, the Examiner is invited to telephone the undersigned to discuss any matter that may be resolved over the telephone.

No fee is believed to be due for the filing of this Response. However, the Director is authorized to charge any fees that may be due to Deposit Account No. 06-1075 (Order No. COU-P02-002).

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Respectfully submitted,



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